

REMARKS

Status of the Claims

Claims 1, 2, 4-6, and 8-37 remain pending in the application, Claims 3 and 7 having been previously cancelled, Claim 23 having been amended to correct a typographical error.

Claims Rejected under 35 U.S.C. § 103(a)

The Examiner has indicated that the declaration filed on January 09, 2006 under 37 C.F.R. §1.131 is sufficient to overcome the Salgado et al. (US2002/0067504A1) reference. However, the Examiner has rejected Claims 1-2, 4, 8-18 and 22-34 as being unpatentable under 35 U.S.C. § 103(a) over Leigh (U.S. Patent No. 6,728,787, hereinafter referred to as "Leigh") and in view of Motoyama et al. (U.S. Patent No. 6,915,337, hereinafter referred to as "Motoyama"). The Examiner has also rejected Claims 5-6, 19-21, and 35-37 under 35 U.S.C. § 103(a) over Leigh and in view of Motoyama and further in view of Fleming (U.S. Patent No. 6,473,854 hereinafter referred to as "Fleming"). Applicants respectfully disagree for the reasons noted below.

In the interest of reducing the complexity of the issues for the Examiner to consider in this response, the following discussion focuses on independent Claims 1 and 23. The patentability of each remaining dependent claim is not necessarily separately addressed in detail. However, applicants' decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that applicants concur with the Examiner's conclusion that these dependent claims are not patentable over the disclosure in the cited references. Similarly, applicants' decision not to discuss differences between the prior art and every claim element, or every comment made by the Examiner, should not be considered as an admission that applicants concur with the Examiner's interpretation and assertions regarding those claims. Indeed, applicants believe that all of the dependent claims patentably distinguish over the references cited. Moreover, a specific traverse of the rejection of each dependent claim is not required, since dependent claims are patentable for at least the same reasons as the independent claims from which the dependent claims ultimately depend.

Patentability of Independent Claim 1

Significant differences exist between the recitation of applicants' independent Claim 1 and the cited art because the cited art does not teach or suggest the steps of enabling communication between

1 the host device and a source indicated by the network address and providing a pointer to a location in  
2 an addressable memory of the peripheral device.

3 In their entirety, applicants' steps (c)(i) and (c)(ii) of independent Claim 1 (emphasis added)  
4 recite:

5 requesting permission of a user *to communicate with the source*; and

6 upon receiving permission to do so from the user, *initiating the communication*  
7 *between the host device and the source* to automatically obtain *information from the*  
8 *source* pertaining to the peripheral device.

9 The claim recitation relates at least three **different** claim elements of: (1) the host device;  
10 (2) the source; and, (3) the peripheral device, as follows:

- 11 • the user permission requested is permission to communicate with the source;
- 12 • once this user permission is received, communication is initiated between the host  
13 device and the source; and
- 14 • information from the source is automatically obtained and the information pertains to  
15 the peripheral device.

16 In contrast, Motoyama does NOT request permission of a user to communicate with the  
17 source because the permission requested in Motoyama is permission to perform another action, i.e.,  
18 permission **to update the client computer driver**. The Examiner asserts that Motoyama teaches  
19 applicants' step (c)(i) because Motoyama teaches asking for the user's permission prior to updating  
20 the driver from the server. (See Office Action, page 5.) In support of his assertion, the Examiner  
21 cites Figure 16, column 3, lines 44-51 and column 15, lines 51-65 of Motoyama, which are  
22 reproduced below:

23 These and other objects are accomplished by a novel method, system, and  
24 program product in which an electronic network message or e-mail message including  
25 the newest, or desired driver is sent to the target device/appliance. When the driver is  
26 stored in the device/appliance, a table (index or menu) is updated with information  
27 indicating the version of the driver, for example, the version number, and the effective  
28 date. When the client computer for the device/appliance tries to use the  
29 device/appliance by requesting a task to be performed, the driver of the  
30 device/appliance determines whether it is the newest, or desired version. After the  
device/appliance performs the requested task, the user is given a choice to update the  
driver or not to update the driver. If the user of the computer chooses to update the  
driver, the newest, or desired driver will be downloaded from the device/appliance and  
will be installed into the device. (Emphasis added, Motoyama, column 3, lines 35-51.)

FIG. 16 is a flowchart of exemplary logic for the version update process called in the step 858 of FIG. 15. After starting, in step 870, the process displays a message asking the user if the user wants to update the driver for the Business Office Appliance 610 of FIG. 10. If step 872 determines that the response from the user is No, then control returns to the calling process. **If step 872 determines that the response from the user is Yes, then step 874 establishes a connection to the device/appliance for the download. In step 876, the driver obtains the newest driver installation file and stores it in a temporary storage area.** Step 878 executes the stored installation/setup program to install the newest driver. Alternatively, a selected version of the driver which is not the newest driver may be transferred and installed. Control is then returned to the calling process. (Emphasis added, Motoyama, column 15, lines 51-65.)

However, as indicated by the italic font portion of the above quote, Motoyama obtains the user's permission to permit updating or not to permit updating the driver. Requesting permission to update a driver is NOT the same as requesting permission to communicate with a source

Also, in response to obtaining this user permission, Motoyama does NOT initiate a communication between the host device and the source because Motoyama simply establishes a connection to the device/appliance. The Examiner asserts that Motoyama teaches applicants' step (c)(ii) because Motoyama teaches that if step 872 determines that the response from the user is Yes, then step 874 establishes a connection to the device/appliance for the download. (See Office Action, page 5.) In support of his assertion, the Examiner cites column 15, lines 57-60, i.e., the bold font portion of the quote reproduced above. Once user permission is requested, then *establishing a connection to the device/appliance for a download* is NOT the same as applicants' recitation of initiating *communication between the host device and the source*.

Finally, notice that in applicants' claim recitation, *information* is obtained from the source. Motoyama does NOT appear to establish a connection with any equivalent to applicants' recited source for enabling the host to obtain information from the source. Instead, Motoyama teaches that the connection is established to the device/appliance for the download (Motoyama, column 15, lines 58-59.) Applicants' source is a distinct element from applicants' peripheral device. And Motoyama discloses that this invention generally relates to the use of a network device/appliance to store *its own newest driver* (Motoyama, column 2, lines 53-55.) In contrast, applicants' claim recites (with permission of the user) the step of "initiating the communication between the host device and

1 the source to automatically obtain information from the source pertaining to the peripheral device.”  
2 In other words, the host device obtains information from the source. Unlike Motoyama, applicants’  
3 host device does NOT connect the peripheral device to some site where it can download and store its  
4 own driver. Thus, the cited art does NOT teach the step of enabling communication between the host  
5 device and a source indicated by the network address, as recited by applicants’ claim.

6 The cited art also does NOT teach or suggest applicants’ step of providing a pointer to a  
7 location in an addressable memory of the peripheral device. In its entirety, applicants’ step (b)(i) of  
8 independent Claim 1 recites:

9 providing a pointer to a location in an addressable memory of the peripheral  
10 device at which the network address is stored;

11 Applicants teach that the string descriptor received from the peripheral device can contain the  
12 network address, or a *pointer to an additional Uniform Resource Identifier Information string*  
13 *descriptor containing the network address*, or a network address and/or additional URI information  
14 (see applicants’ specification, page 14, lines 18-21).

15 In contrast, the cited art does NOT provide a pointer to a location in an addressable memory  
16 *of the peripheral device* but instead appears to read the network address directly from a memory  
17 device without regard to being provided a pointer to a specific address in an addressable memory of  
18 the peripheral device. The Examiner asserts that Leigh teaches applicants’ step (b)(i). In support of  
19 his assertion, the Examiner has cited module 310 in Figure 3, and column 1, lines 65-66; column 2,  
20 lines 1-3, lines 45-48, lines 50-51; and column 3, lines 1-6, lines 19-23. The following are quotes  
21 from these portions of the Leigh reference:

22 The present invention provides for the automatic identification and installation  
23 of software device drivers over a computer network for the operation of computer  
24 hardware peripheral devices. A hardware peripheral device is connected to a  
25 destination computer. The peripheral device contains a network address, e.g., a  
26 Universal Resource Locator (URL). After the computer's operating system recognizes  
27 the device, the destination computer reads the network address and directs the  
28 computer's operating system towards a web site. (Emphasis added, Leigh, column 1,  
29 line 61-column 2, line 4.)

30 The destination computer 200 according to the invention is illustrated in  
greater detail in FIG. 2. The destination computer 200 includes a central processing  
unit (CPU) 210, such as an Intel<sup>TM</sup> Pentium Microprocessor, a memory 220, and a  
peripheral device 230. The peripheral device 230 includes a computer chip 231

1 containing a network address 232. The memory 220 includes an operating system 241,  
2 a browser 242, application programs 243 and device drivers 244. The operating  
3 system 241 includes code 245 for reading the network address 232. Some examples  
4 of possible operating systems 241 include Microsoft Windows™, Windows NT™,  
5 Unix™, Linux™, etc. Types of browsers include Netscape™, Microsoft Explorer™,  
6 or any browser that is suitable for establishing a connection to a network. The  
7 components are connected to a bus system 240. (Emphasis added, Leigh, column 2,  
8 lines 42-56.)

9 The destination computer 200 includes a peripheral device 230. The peripheral  
10 device 230, e.g., keyboards, mice, floppy/CD-ROM drives, displays, printers, video  
11 cameras, and the like, includes a memory device 231 that is **readable** by the operating  
12 system 241 or the application programs 243. The memory device 231 can be a  
13 register, or the like, and stores the device identification (ID) 233, and a network  
14 address 232, such as a Universal Resource Locator (URL). A network interface 215  
15 links the destination computer 200 to the network 150. (Emphasis added, Leigh,  
16 column 2, line 65-column 3, line 7.)

17 FIG. 3 shows steps of a method 300 for locating and installing software device  
18 drivers over a network according to the invention. In step 310, the destination  
19 computer, using the code 245 of the operating system, reads the network address 232  
20 stored in the memory device 231, and engages the network interface 215, connecting  
21 the destination computer 200 to the network 150. (Emphasis added, Leigh, column 3,  
22 line 18-24.)

23 Notice in the first citation, that after the computer's operating system recognizes the  
24 peripheral device, the destination computer **reads** the network address and directs the computer's  
25 operating system towards a web site. In the next citation, notice that operating system 241 includes  
26 code for **reading** network address 232. In addition, the third citation teaches that peripheral  
27 device 230, e.g., keyboards, mice, floppy/CD-ROM drives, displays, printers, video cameras, and the  
28 like, includes a memory device 231 that is **readable** by operating system 241 or application  
29 programs 243. The last citation teaches how the destination computer, using code 245 of the  
30 operating system, **reads** network address 232 stored in memory device 231, and engages network  
interface 215, connecting destination computer 200 to the network. As is apparent from the above  
multiple citations, the operating system in the destination computer includes code that enables it to  
access the memory device in the peripheral device and that enables it to *read* the network address  
directly from the memory device. There is no teaching or suggestion that a pointer to a specific  
memory address needs to be provided. Clearly, since there is no mention of a pointer being utilized  
in the above citations, it appears that the code in the operating system reads the network address in

1 the memory of the peripheral device, for example, at a predefined location (i.e., address) in memory,  
2 or possibly, directly from the memory, which may not store any other data and thus, may not even  
3 require that a memory address be provided to read the network address.

4 Accordingly, the rejection of independent Claim 1 under 35 U.S.C. § 103(a) should be  
5 withdrawn. Because dependent claims include all of the elements of the independent claim from  
6 which the dependent claims ultimately depend, dependent Claims 2, 4-6, and 8-16 are patentable for  
7 at least the reasons discussed above in regard to independent Claim 1, and the rejection of dependent  
8 Claims 2, 4-6, and 8-16 under 35 U.S.C. § 103(a) should be withdrawn.

9 Patentability of Independent Claim 23

10 Independent Claim 23, which defines a system for automatically accessing information  
11 related to a peripheral device includes function (c)(ii), which is similar to step (c) of Claim 1. Thus,  
12 it distinguishes over Leigh for reasons similar to those discussed above in connection with Claim 1.  
13 Accordingly, Claim 23 is also patentable over the cited art.

14 Because dependent claims include all of the elements of the independent claim from which  
15 the dependent claims ultimately depend, dependent Claims 24-37 are patentable for at least the  
16 reasons discussed above in regard to independent Claim 1, and the rejection of dependent Claims 24-  
17 37 under 35 U.S.C. § 103(a) should be withdrawn.

18 In view of the amendments and Remarks set forth above, it will be apparent that the claims in  
19 this application define a novel and non-obvious invention, and that the application is in condition for  
20 allowance and should be passed to issue without further delay. Should any further questions remain,  
21 the Examiner is invited to telephone applicants' attorney at the number listed below.

22 Respectfully submitted,

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